

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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KATHERINE RIVAS ESCOBAR,

Plaintiff,

v.

THE TJX COMPANIES, INC.,

Defendant.

Case No. 2:22-cv-01099-RFB-VCF

ORDER

Before the Court is Plaintiff's Emergency Motion for Preliminary Injunction (ECF No. 11). The Court incorporates by reference its findings and statements of law set forth in its July 11, 2022 Order (ECF No. 9). The Court adds the following:

On July 11, 2022, Plaintiff filed a Complaint (ECF No. 1) and two Emergency Motions for Temporary Restraining Order and Preliminary Injunctive Relief (ECF Nos. 3, 6). Plaintiff's Complaint alleged a single claim for declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201. On July 11, 2022, the Court denied Plaintiff's emergency motions for injunctive relief on the basis that Plaintiff had failed to demonstrate a likelihood of success on the merits, for two reasons: first, Plaintiff's Complaint improperly alleged only a single, standalone claim under the Declaratory Judgment Act; and second, Plaintiff failed to identify a cognizable claim against Defendant, TJX Companies ("TJX").

On July 12, 2022, following the Court's order at ECF No. 9, Plaintiff filed a First Amended Complaint ("FAC") (ECF No. 10.). The FAC adds a second cause of action, for "wrongful termination in violation of federal law and public policy." On July 13, 2022, Plaintiff filed another Emergency Motion for Preliminary Injunction, which is substantially identical to the earlier-filed emergency motions that the Court denied (ECF No. 11).

1 The Court again finds there to be deficiencies with the pleadings. In its earlier order, the
2 Court noted that the Declaratory Judgment Act does not create a standalone cause of action.
3 Plaintiff's FAC adds a second claim for "wrongful termination" in an apparent effort to cure the
4 earlier deficiency. The Court finds these efforts to be futile, however, as the newly added claim
5 also does not provide a basis for federal court jurisdiction. While the FAC states that the claim is
6 being brought pursuant to "federal law and public policy," Plaintiff fails to identify any federal
7 law or statute that supplies a private right of action for her claim of wrongful termination. A general
8 reference to "federal law and public policy" will not suffice to bring Plaintiff's claims within this
9 Court's jurisdiction. Because federal court jurisdiction is not apparent from the face of the FAC,
10 the Court dismisses the First Amended Complaint without prejudice

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12 **IT IS THEREFORE ORDERED** that the First Amended Complaint (ECF No. 10) is
13 DISMISSED without prejudice. The Court does not have jurisdiction to decide the Emergency
14 Motion for Preliminary Injunction (ECF No. 11). The Clerk of the Court is instructed to close this
15 case.

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18 DATED: July 20, 2022

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22 **RICHARD F. BOULWARE, II**
23 **UNITED STATES DISTRICT JUDGE**
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